

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELIZABETH SCHAB,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.

Civil Action No.:

NOTICE OF REMOVAL

Suffolk County

Index No.: 608036/2022

, J.
, M.J.

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TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:

Defendant, TARGET CORPORATION ("Target"), by its attorneys,
SIMMONS JANNACE DELUCA, LLP, Sal F. DeLuca Esq., of counsel,
upon information and belief, respectfully petitions the Court,
pursuant to 28 U.S.C. § 1441, as follows:

1. On April 26, 2022, the above-captioned civil action
was commenced and is now pending in the Supreme Court of the
State of New York, County of Suffolk bearing Index Number
608036/2022. A trial has not yet been had therein.

2. Attached to this Notice, and by reference made a part
hereof, are true and correct copies of all process and pleadings
filed herein (**Exhibit "A"**).

3. The action seeks monetary damages for injuries
allegedly suffered by plaintiff, ELIZABETH SCHAB. Plaintiff

alleges that as a result of Target's negligence, she sustained "Severe, painful and permanent injuries" see Ex. A at ¶20.

4. The action involves a controversy between citizens of different states, in that: (a) Plaintiff is a citizen of the State of New York; (b) Defendant, Target is now, and was at the time the action was commenced, a corporation incorporated in the State of Minnesota with its principal place of business in the State of Minnesota.

5. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Target and plaintiff.

6. In addition, the amount in controversy exceeds \$75,000. This office served a Demand Pursuant to CPLR § 3017(c) for particularization of plaintiff's damages. On August 3, 2022, plaintiff provided a written response alleging damages in excess of \$75,000.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Suffolk, promptly after the filing of this Notice.

8. Accordingly, this Notice is timely.

9. By filing this Notice of Removal, defendant does not waive any defenses which may be available to it, specifically including, but not limited to, its right to contest *in personam*

jurisdiction over Petitioner, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Suffolk, be removed therefrom to this Court.

Dated: Hauppauge, New York
August 11, 2022

SIMMONS JANNACE DELUCA, LLP

BY: 

Sal F. DeLuca (sd-2354)

Attorneys for Defendant

TARGET CORPORATION

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